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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,714	06/25/2003	Laurence Ray McColloch	10020919-1	3452
7590	02/28/2005		EXAMINER	
AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599			PRASAD, CHANDRIKA	
			ART UNIT	PAPER NUMBER
			2839	

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

FEB 28 2005

Application Number: 10/603,714
Filing Date: June 25, 2003
Appellant(s): MCCOLLOCH ET AL.

GROUP 2800.

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EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/06/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

2002/0159725 Bucklen 10-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(10a) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(10b) Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bucklen (2002/0159725).

Bucklen (Figures 1-3) shows an apparatus and method for constructing a communication cable 20 with electrical conductors and optical fibers with integrated electrical connectors at each end which are used for plug-in connections to matching electrical connectors on target devices for transmitting digital and/or analog data wherein the matching electrical connector may be compatible to a proprietary system interconnection and the data transmission is compatible with optical fiber channel protocol. The data transmission protocol through the cable is through transmission of optical signals wherein the data transmission between the connectors include electrical signal, which uses a protocol different than that of optical signal transmission through the cable.

(11) Response to Argument

(11a) 35 U.S.C. §112, First Paragraph

The 35 U.S.C. §112, First Paragraph rejection is withdrawn.

(11b) 35 U.S.C. § 102(b) rejection

Applicant's arguments filed 12/06/04 have been fully considered but they are not persuasive. The applicant argues that Bucklen shows no change in protocol between electrical signals and optical signals. The examiner disagrees. The applicant

has not provided any specific description and/or definition for the protocol except that (i) **an optical fiber channel, Ethernet or another optical protocol** is used for data transmission through the optical cable and (ii) the electrical connector is compatible with a **connector standard** such as USB, Ethernet or **another connector standard** (bold letters used for emphasis). McGraw-Hill Dictionary of Scientific and Technical terms – Fifth Edition, Copyright 1994 defines protocol as a set of hardware and software interfaces in a terminal or a computer, which allows it to transmit over a communication network (see copy attached). Bucklen (Figures 1- 3) clearly shows a hardware for data transmission through the cable which is different than a hardware used for the electrical connectors. The applicant agrees that Bucklin shows the hardware (see Appeal Brief, Page 7, 4th Paragraph, lines 1-2). The applicant further agrees that Bucklen shows the hardware for converting electrical signals into optical signals and vice versa (see Appeal Brief, Page 8, lines 1-6).

The applicant further argues that there is no one-to-one correspondence between every electrical signal and every optical signal. Such a limitation is neither supported by the claim language nor described in the specification.

(11c) After filing the Appeal Brief, the applicant has submitted an Information Disclosure Statement (IDS) on 01/18/05, which lists several references as X reference for at least claims 1 and 8. The references have been placed in the file, but have not been examined.

Art Unit: 2839

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Chandrika Prasad
Examiner
Art Unit 2839

Chandrika Prasad
February 23, 2005

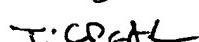
Attachment: Page 1595 from MC Graw-Hill Dictionary

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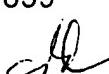
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Tulsidas Patel, Supervisory Patent Examiner, Art Unit 2839



Chandrika Prasad, Primary Examiner, Art Unit 2839



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**On the cover: Photomicrograph of crystals of vitamin B₁.
(Dennis Kunkel, University of Hawaii)**

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In addition, material has been drawn from the following references: R. E. Huschke, *Glossary of Meteorology*, American Meteorological Society, 1959; *U.S. Air Force Glossary of Standardized Terms*, AF Manual 11-1, vol. 1, 1972; *Communications-Electronics Terminology*, AF Manual 11-1, vol. 3, 1970; W. H. Allen, ed., *Dictionary of Technical Terms for Aerospace Use*, 1st ed., National Aeronautics and Space Administration, 1965; J. M. Gilliland, *Solar-Terrestrial Physics: A Glossary of Terms and Abbreviations*, Royal Aircraft Establishment Technical Report 67158, 1967; *Glossary of Air Traffic Control Terms*, Federal Aviation Agency; *A Glossary of Range Terminology, White Sands Missile Range, New Mexico*, National Bureau of Standards, AD 467-424; *A DOD Glossary of Mapping, Charting and Geodetic Terms*, 1st ed., Department of Defense, 1967; P. W. Thrush, comp. and ed., *A Dictionary of Mining, Mineral, and Related Terms*, Bureau of Mines, 1968; *Nuclear Terms: A Glossary*, 2d ed., Atomic Energy Commission; F. Casey, ed., *Compilation of Terms in Information Sciences Technology*, Federal Council for Science and Technology, 1970; *Glossary of Stinfo Terminology*, Office of Aerospace Research, U.S. Air Force, 1963; *Naval Dictionary of Electronic, Technical, and Imperative Terms*, Bureau of Naval Personnel, 1962; *ADP Glossary*, Department of the Navy, NAVSO P-3097.

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such as animal glue, casein, and soya. [prō'tōr]

[BIOCHEM] A type of protease which acts directly in the first step of their conversion to simpler proteins.

[prō'tōn,äs]

iodine [BIOCHEM] Iodine bound to blood pro-

teins. [prō'tēn,baünd 'rə,dīn]

iodine test [PATH] A test of thyroid function

the level of circulating thyroid hormone by deter-

mination of protein-bound iodine in the blood. Ab-

normal test. [prō'tēn,baünd 'rə,dīn,test]

See capsid. [prō'tēn,kōp]

engineering [MOL BIO] The design and construction

of proteins or enzymes with novel or desired functions by

altering amino acid sequences by using recombinant deoxy-

ribonucleic acid technology. [prō'tēn,en:jə'nirij]

integrin [BIOCHEM] An enzyme that exerts regulatory

effect on growth and malignant transformation by phosphoryl-

ation. [prō'tēn,kī,nās]

See hand sugar refractometer. [prō'tēn,äm'

]

[MED] The presence of protein in the urine.

[INV ZOO] A family of tapeworms in the

subphylum Cestoda in which the reproductive organs are

central mesenchyme of the segment. [prōdē'ō-

]

hololea [INV ZOO] An order of tapeworms of the

Cestoda in which the holdfast organ bears four suckers

and a suckerlike apical organ. [prōdē'ō,sef-

]

[BIOCHEM] A high-molecular-weight poly-

mer formed by linkage covalently linked by numerous heteropoly-

meride chains to a polypeptide chain backbone.

[prōdē'ō,sef-kān]

[BIOCHEM] A lysin that produces proteolysis.

[prōdē'ō,sēz]

[BIOCHEM] Fragmentation of a protein molecule

by water to the peptide bonds. [prōdē'ō'äl-ə-sās]

[BIOCHEM] Any enzyme that catalyzes

the breakdown of protein. [prōdē'ō,lid'ik'en,zim]

[INV ZOO] The single order of the Proteomy-

etidae. [prōdē'ō,mik-sād-ə]

[INV ZOO] A subclass of Actinopoda includ-

ing organisms which lack protective coverings or

spines and have reticulopodia, or filopodia. [prōdē'ō-

]

[CYTOL] A type of cell plastid containing crys-

tic or amorphous masses of protein. [prōdē'ō-

]

[BIOCHEM] One of a group of derived proteins in-

between native proteins and peptones; soluble in

water and precipitated by heat, but precipitated by saturation

with zinc sulfate. [prōdē'ō,ös]

[ZOO] That part of the animal kingdom in

which the egg is of the determinate type; includes

all phyla except Echinodermata, Chaetognatha, Pogo-

nichordata, and Chordata. [prādē'ō,rō'stō-

]

[PALEON] A suborder of moderate-sized the-

reopoda with lightly built triangular skulls, downturned

nasal teeth. [prādē'ō,rō'sū-kē-ə]

[PALEON] A group of extinct herbivorous

insects of the order Litopterna which displayed an evolu-

tion in dentition and in reduc-

tion of the digits of their feet. [prādē'ō,rō'thā'rō,dē]

[PALEON] Algonkian. [prādē'ō,rō'zō'ik]

[ASTRON] A satellite of Neptune orbiting at a mean

distance of 1100 miles (117,600 kilometers) with a period of

165 days with a diameter of about 250 miles (400 kilo-

meters). [prādē'ō,rō'sēs]

[COMPUT SCI] See advanced signal-processing sys-

tems. [prādē'ō,rō'sēs]

[VERT ZOO] A group of primatelike insectivores

living in living tree shrews. [prādē'ō,yū'θirē-ə]

[BOT] The gametophyte of a pteridophyte in

green thallus with rhizoids. [prādē'ō,θilē-əm]

[INV ZOO] One of the paired glands in the

insects which produce ecdysone. [prādē'ō,θras-

]

prothorax [INV ZOO] The first thoracic segment of an insect;

bears the first pair of legs. [prō'thōr,äks]

prothrombin [BIOCHEM] An inactive plasma protein precur-

sores of thrombin. Also known as factor II; thrombinogen. [prō'thräm-bən]

prothrombin factor See vitamin K. [prō'thräm-bən,fäktör]

prothrombin time [PATH] A one-stage clotting test based on

the time required for clotting to occur after the addition of tissue

thromboplastin and calcium to decalcified plasma. [prō'thräm-

bən,tīm]

proticity [BIOCHEM] In oxidative phosphorylation, the flow-

ing of protons in the proton circuit from high to low protic

potential. [prō'tis-əd-ē]

Protista [BIOL] A proposed kingdom to include all unicellular

organisms lacking a definite cellular arrangement, such as bacte-

ria, algae, diatoms, and fungi. [prē'tis-tə]

protium [NUC PHYS] The lightest hydrogen isotope, having a

mass number of 1 and consisting of a single proton and electron.

Also known as light hydrogen. [prōdē'əm]

Protoarctinae [INV ZOO] A subfamily of polychaete annelids

in the family Orbiniidae. [prōdō,arə'sīə,nē]

probolitumen [MATER] Any of the fats, oils, waxes, or resins

which are present as unaltered or nearly unaltered plant and

animal products from which fossil bitumens are formed. [prōdō'bə'tū'mən]

Protobranchia [INV ZOO] A small and primitive order in the

class Bivalvia; the hinge is taxodont in all but one family, there

is a central ligament pit, and the anterior and posterior adductor

muscles are nearly equal in size. [prōdō'branj-kē-ə]

Protoceratidae [PALEON] An extinct family of pecoran ru-

minals in the superfamily Traguloidea. [prōdō'sə'rad-ə,dē]

Protochordata [INV ZOO] The equivalent name for Hemichordata. [prōdō'kōr'dad-ə]

protoclastic [PETR] Of igneous rocks, characterized by granula-

tion and deformation of the earlier-formed minerals due to

differential flow of the magma before solidification. [prōdō'klas-tik]

Protococcaceae [BOT] A monogeneric family of green algae

in the suborder Ulotrichineae in which reproduction is entirely

vegetative. [prōdō'käk'sās-ē]

Protococcida [INV ZOO] A small order of the protozoan sub-

class Coccidia; all are invertebrate parasites, and only sexual

reproduction is known. [prōdō'käk-sād-ə]

protocol [COMPUT SCI] 1. A set of hardware and software

interfaces in a terminal or computer which allows it to transmit

over a communications network, and which collectively forms

a communications language. 2. See communication protocol.

[SCI TECH] A procedure that must be used when performing

specified measurements or related operations in order for results

to be acceptable to the specifying agency. [prōdō,kōl]

protocol-level timer [COMMUN] A time-measuring unit

within a communicating device that issues high-priority inter-

rupts which synchronize and set deadlines for protocol-related

activities. [prōdō,kōl'lev-el'tim'r]

Protocucujidae [INV ZOO] A small family of coleopteran

insects in the superfamily Cucuoidea found in Chile and Aus-

tralia. [prōdō'ka'kü'yo,dē]

protoderm See dermatogen. [prōdō,därm]

protodolomite [MINERAL] A crystalline calcium-magnesium

carbonate with a disordered lattice in which the metallic ions

occur in the same crystallographic layers instead of in alternate

layers as in the dolomite mineral. [prōdō'dō'lə,mīt]

Protodonata [PALEON] An extinct order of huge dragonfly-

like insects found in Permian rocks. [prōdō'dō'dā'nād-ə]

Protodrilidae [INV ZOO] A family of annelids belonging to

the Archiannelida. [prōdō'drīl-ə,dē]

protoenstatite [MINERAL] An artificial, unstable, altered

form of MgSiO₄ produced by thermal decomposition of talc;

convertible to enstatite by grinding or heating to a high temper-

ature. [prōdō'en-stə,tīt]

Protoeumalacostraca [PALEON] The stem group of the crus-

tacean series Eumalacostraca. [prōdō,yü'mä'lə'kästrä'ka]

protogalaxy [ASTRON] The theoretical precursor of the Gal-

axy; suggested by James Jeans to be an initial structureless gas

cloud, held together by its own gravitation, that broke up into a

number of fragments. [prōdō'gal'ik-sē]

protogenic [CHEM] Strongly acidic. [prōdō'jen-ik]

protogyny [PHYSIO] A condition in hermaphroditic or dioe-

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